



Riot Commission Politics

MICHAEL LIPSKY &
DAVID J. OLSON

Everybody expects more from riot commissions than they can deliver.

Speaking before the National Commission on Civil Disorders, better known as the Kerner Commission, Kenneth Clark wondered aloud about the usefulness of what the commissioners and their staff were doing. There had been previous riot commissions, Clark reminded his audience, and they too had issued reports. But the whole undertaking had, for him, an Alice-in-Wonderland quality about it, "with the same moving picture reshowed over and over again, the same analysis, the same recommendations, and the same inaction."

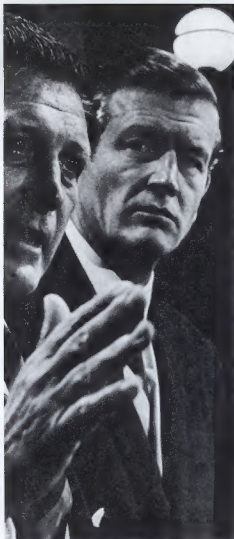
Kenneth Clark's skepticism is widely shared. But should we despair with him that riot commission reports are irrelevant? Or should we agree with public officials that riot commissions provide an invaluable service for helping society understand complex events? Or should we think cynically that riot commissions are no more than the tools by which chief executives placate and arouse people? These

questions may only be answered by examining the place and function of riot commissions in the political life of the country. What do they really do? And how do they do it? How does one account for the great differences between expectations and results in the lives of recent riot commissions?

These questions open wide areas of disagreement, of course. But generally speaking, riot commissions are usually described in one or more of the following terms:

1. Government officials, it is sometimes thought, create riot commissions to provide authoritative answers to social and economic questions posed by riots, and to provide authoritative recommendations for preventing them in the future. This is certainly what commissions are *supposed* to do, as can be gleaned from reading the formal "charge" to any recent riot commission.

Reprinted with permission of SOCIETY (formerly Trans-Action)
July/August 1969



The Kerner Commission illustrated the internal discontent that can develop in such nationally prominent bodies when disagreement and distrust developed between commission members and professional staff.

2. Others feel that riot commissions are simply a convenient way for public officials to buy time in which to formulate public policy. A harsher variant of this viewpoint has public officials creating commissions in a deliber-

ate effort to evade political pressures and avoid coming to grips with the problem. A more sophisticated variant has the officials buying time so as not to have to deal with the passions of the moment. In the immediate aftermath of a riot, political executives have to conclude that neither the intense anger of blacks nor the intense fear and anger of whites are appropriate pressures or reliable indicators of what they should do.

3. It is said, also, that riot commissions are simply created to exonerate public officials from responsibility for the situation leading to the riot or for their behavior during it. In the recent past a number of commentators have inferred that riot commissions have "whitewashed" public officials.

4. Independent of the validity of the above three positions, it is said that riot commissions are irrelevant to the political process. Essentially this seems to have been the position of Kenneth Clark in his influential commission testimony.

5. Regardless of the reasons for initiating riot commission activity in the first place, it may be said that riot commissions essentially function as interest groups, competing with other interest groups in attempting to influence the political environment in ways favorable to their general orientations.

In recent research on the National Commission on Civil Disorders (Kerner Commission), the Governor's Select Commission on Civil Disorder of the State of New Jersey (New Jersey Commission), and post-riot politics in Newark, Detroit and Milwaukee, we have tried to develop a framework for analyzing some of the above considerations. We conclude that formation of riot commissions gives rise to public expectations which cannot be fulfilled and that riot commissions are charged with incompatible goals which cannot meaningfully be reconciled.

Insofar as this is the case, riot commissions are most profitably viewed as participants in the ongoing political struggle of American race relations. They may make marginal contributions to that struggle by providing status and support for interpretations of riots which may affect the decisions of other political actors. They may also provide information about riots that will influence others, and may lend legitimacy to information which is already available. Riot commissions further may help structure the terms in which debate over issues relating to riots will be pursued. They are initiated by public officials as part of the executive function, but they are transformed by their constituents and, by virtue of the involvement of commissioners in commission business, they transform themselves into pressure group competitors in the political process.

But before discussing these points it will be useful to review some critical aspects of the Kerner Commission's operations. We will also mention related developments taking place in the New Jersey Commission where appropriate.

First, like other authoritative commissions appointed in

recent times, the Kerner Commission was comprised of essentially conservative men. Of the eleven members named by President Lyndon B. Johnson on July 27, 1967, six were elected public officials, the most liberal of whom was Mayor John Lindsay (Republican) of New York City. Governor Otto Kerner, the chairman, was an Illinois Democrat known for his championing of both civil rights legislation and riot control training. Only two Negroes were named to the Commission, Senator Edward Brooke and Roy Wilkins, the most "respectable" of civil-rights leaders. The other members included Chief Herbert Jenkins of Atlanta, who enjoys a reputation for being a progressive among police chiefs; Katherine Peden, who was at the time Kentucky Commissioner of Commerce; and representatives of labor and business: I. W. Abel, President of the United Steel Workers, and Charles B. Thornton of Litton Industries. All of these people are either public officials or the heads of established American institutions. Indeed, as Tom Wicker wrote in his introduction to the Bantam edition of the Kerner Report, "President Johnson in appointing his Commission on Civil Disorders . . . was severely criticized for its moderate character." The McCone Commission, appointed by Governor Pat Brown of California following the Watts riot, and the New Jersey Commission were also made up of reputedly conservative people.

Second, the Kerner Commission began its work amidst conflicting pressures for action. As *The Washington Post* reported, the establishment of the Kerner Commission "followed several days of congressional demands for an investigatory group either from Congress or the White House. Johnson was under pressure to act before conservative opponents in Congress created their own commission." It was quite clear that the thrust of these investigations would be toward discovery of "conspiracies" and techniques of riot suppression.

Third, the research strategy of the Kerner Commission was highly complex and difficult to implement. The President charged it with a number of independent and delicate tasks. The first was to describe accurately what happened in each riot city, and to do it despite an extraordinary diversity of testimony. Adequate handling of this task alone would have had severe political implications. The finding of a conspiracy, for example, would support those skeptics of recent black political developments who would like to discount reports of widespread discontent among black people in American cities. A finding that no conspiracy existed, on the other hand, would lead analysis into the tangled network of social causation in racial matters about which there is great controversy. The President also asked the commission to explain why riots took place in some cities but not in others, even though previous studies on this question had proved to be singularly unsuccessful. Finally the President requested proposals on how to prevent future riots. This may have been the most politically perilous charge of all. It demanded a review and evaluation of

reform planning that would have to be convincing to (first) the commissioners and (then) the public. The peril lies in the fact that such a task raises questions of the capacity of this system to respond to social needs and the adequacy of previous programs. This diffuse research agenda had to be accomplished in *less than a year*.

Riot Commissions As Organizations

1. *The Scarcity of Time and Resources.* Such tight schedules are not peculiar to riot commissions, but the Kerner Commission and other recent riot commissions seem particularly hampered by these constraints. It is uncertain whether any riot commission could adequately fulfill the research goals with which they are charged. Almost as soon as commissions are convened, their directors find themselves confronted by critical deadlines. They must hire staff quickly without the luxury of fully assessing their qualifications and before the research agenda has even been completed. One consequence is that generalists, such as lawyers, may be hired over specialists, since staff directors may not know precisely what they want to do. The Kerner Commission was especially hampered because in late August talented people in the academic world were already committed, and because hiring had to proceed in the face of widespread skepticism such as that expressed by Kenneth Clark.

As soon as staff is hired, the pressure is on to collect the data. Investigation must follow quickly upon the occurrence of riots because of the need to interview witnesses while memories are still fresh and because proposed solutions presumably depend upon a research effort. The Kerner Commission decided to obtain information on riots in 20 cities, including environmental background features and interviews with key people, from city officials to militant civil-rights activists. The data-gathering teams went into the field at a time when December 15 was considered the target date for an "interim" report. This meant they had about two months in which to uncover the facts about the riots, the cities in which they occurred, and possible explanations for their occurrence. Obviously, this was too short a time period to obtain sufficient data to develop well-rounded studies, a fact confirmed by the Kerner Commission's decision not to develop all of these profiles for publication. The New Jersey Commission, given less than three months to hire staff and conduct and assemble research, was similarly constrained by time.

Another consequence of having to produce reports under this kind of pressure is that the staff is almost obliged to develop (or simply accept) a general working theory of riot causation to guide the research. The outlines of the theory are familiar to anyone who has looked into almost any recent commission report. It holds that systematic deprivation and discrimination in the past, when added to reasonable expectations of positive change and when accompanied by continued indignities and community resentments, become



Living conditions in the ghetto are believed to be a major cause of riots. Members of some commissions visited ghetto residents in their homes and gained some startling impressions.

focused by a single incident or series of incidents into behavior that takes the form of looting and other hostile activities. As a general theory this is perfectly serviceable, but it hardly accounts for the varieties of civil disorders, which Presidents, governors, and others are concerned about. Social scientists, especially, must find this unsatisfactory, since they are interested in explaining variation, rather than explaining why something does or does not exist. The questions of why riots occurred in some cities and not in others, or why riots varied in form and intensity, can be sensibly addressed only through a more rigorous comparative analysis than there was time to undertake in the work of recent riot commissions. Farming out research to social scientists was one way the Kerner Commission attempted to deal with research difficulties, but this was not entirely satisfactory.

As individuals with public constituencies, commissioners have to be assured that their decisions rest upon irrefutable and unambiguous evidence. The time problem intrudes when commission staffs anticipate these needs and try to "build a case," an effort that detracts in some ways from an open research strategy and diverts staff members from other duties. Staffers on the Kerner Commission, for example, had to return to the field to obtain affidavits from

witnesses on whose testimony the narrative summaries of disorders rested. Staff investigators of the New Jersey Commission were required to file individual memoranda on every person with whom they talked on commission business. "Building a case" and good research procedures are not necessarily incompatible. But a strain is placed upon mutual satisfaction of both these goals when time is short. Statistics without relevance are collected; time-consuming procedures are honored to make an impression of thoroughness; theories with potential validity are rejected since they cannot be adequately tested, and so on.

Related to the demands for building a case is what happens when commissions begin to focus attention on the single task of producing the final document. At this point, other talents, perhaps antithetical to those of the researcher, are demanded of the staff. These are the ability to work all day and night, the capacity to absorb endless criticism without taking personal affront, and the ability to synthesize the sentiments of the commissioners, or to anticipate their sentiments regarding various issues. These qualities are those of lawyers, of advocates who work under pressure for clients regardless of personal interests or allegiance to material. In this respect commission staff-domination by lawyers may be a necessary rather than an acci-

mentally perverse quality of commissions. But the point remains that those best able to gather and interpret socially relevant data may not perform well in accommodating to the pressures that are brought to bear in writing the final report.

The pressures of time are also incompatible with a rational search for answers. Under rational procedures, study should be followed by conclusions, followed by program suggestions relating to those conclusions. But lack of time required recent riot commissions to formulate their programs at the same time as they were analyzing causes. This is not to say that their conclusions do not follow from the analysis. But this dynamic helps explain why there need not be a relationship between the factual analysis of events and commissions' proposals for change.

Scarcity of resources also contributes to the typical shakiness of the organization of riot commissions. Commissions enjoy no regular budgetary status, nor do they continue to enjoy top executive priority after their creation has served to reassure the executive's constituency that he has acted on the problem. The Kerner Commission, for example, was originally promised sufficient funds to accomplish their task, but it was later discouraged from seeking more money because in late 1967 it had become presidential policy to seek no supplementary appropriations from Congress, and because federal agencies were reluctant to contribute to the commission from their diminished budgets.

2. *Developing Commission Integration.* It is the peculiar dilemma of riot commissions that commissioners are apparently chosen for the diversity of interests they represent, while at the same time they are expected to agree on, and support, a meaningful report about a complex problem with clear ideological overtones. This circumstance sometimes leads the public to assume, quite understandably, that the final report of any given commission will be little more than a collection of bland generalities, or an out-and-out whitewash. If it is the first, it will be because the commissioners were in fact representative of diverse and conflicting interests and were unable to agree on anything controversial. And if it is the second, it will be because they were really chosen by the political leadership for the basic congruence of their views. Either way, the appointment of riot commissions has led to rather unflattering expectations of their work, and often justifiably so, given the extent to which recent commissions have been made up of incumbent or former public officials and bona fide members of high-status organizations such as trade unions, financial conglomerates, or the press.

Riot commissions are made up of men chosen for diversity of interests, and they are inherently temporary. Thus riot commissions are confronted in extraordinary fashion with the problems inherent in all complex organizations—the development of mechanisms of socialization and the development of group norms and values which may overcome tendencies toward fragmentation and disintegration.

In practical terms, tendencies toward fragmentation and disintegration in riot commissions may take the forms of developing minority reports and developing destructive tensions between commissioners and staff.

For some commissioners, a minority report represents a threat with which, within limits, they can manipulate other commissioners to modify their views. The strong language of the summary of the Kerner Commission Report, for example, can be attributed to Mayor Lindsay and his staff, who in the weeks just prior to the final approval of the report had come to feel that the commission's approach was not sufficiently hard-hitting. Lindsay seized on the fact that a draft of the summary had not yet been prepared and had his staff develop one. He presented it to the commission as a statement of his position, indicating (it is not clear how explicitly) that he would issue such a statement anyway, if the commission failed to support him. The other commissioners, recognizing that the "summary" prepared by Lindsay reflected the report's contents, and that Lindsay might well release the summary in some form anyway, adopted it as their own. Mayor Lindsay's outspoken comments on the needs of cities may have had the effect of moving some commissioners toward his views in order to keep him in the fold. In any event, it is safe to conclude that the Kerner Commission summary would not have been so dramatic a document if Lindsay had not forced the issue in this way.

But, in a sense, a minority report is an ultimate weapon. One must still account for how commissioners with diverse interests and viewpoints come to identify themselves with the final product of a commission. Under what circumstances do such men permit themselves the luxury of political compromise in endorsing views to which they may not totally subscribe?

One way to explain the surprisingly provocative quality of both the Kerner Commission and the New Jersey Commission reports, given the essentially conservative cast of their members, is that their staff directors explicitly encouraged and engineered the development of a *sense of urgency* within these commissions. Direct exposure to ghetto conditions was perhaps the most successful technique to this end. Members of the Kerner Commission conducted two-day tours of riot areas, sometimes even without the company of the press corps or the guiding hands of city officials. One of the most successful of these took place in Cincinnati on August 30 when Mayor Lindsay and Senator Fred Harris, two of the most liberal members of the commission, met alone with a group of black nationalists. They were frankly informed of the group's dedication to the destruction of American society as now constituted. The confrontation apparently was particularly meaningful for Lindsay and Harris because the nationalists were highly educated men, and so could not be dismissed as being merely frustrated because of restricted mobility.

By the same token, the New Jersey Commission staff

arranged for their commissioners to divide into teams of two and accompany antipoverty workers into Newark ghettoes, homes, bars, and barber shops. Most participants, including chairman Robert Lilley, credited these tours with creating the sense of awareness and alarm about ghetto conditions that was ultimately reflected in the final report.

This facet of commission procedure in part was born of political necessity. Staff research was not immediately available to the commissioners, yet they had to demonstrate to the public that they were doing *something*. One way to do this was to study conditions firsthand. Happily, this also permitted commissioners to learn about ghetto conditions and agree on the nature of ghetto existence before policy papers were prepared and before it became necessary to "take sides."

Exposure to formal witnesses with dramatic testimony was also useful in creating a sense of urgency. Kenneth Clark's appearance before the Kerner Commission was considered influential in offering perspective to the commissioners on their activity. The same effect was produced when the staffs of both the Kerner Commission and the New Jersey Commission circulated articles by Robert Blauner and by Robert Fogelson that were highly critical of the McCone Commission. These articles alerted everyone to the potential public criticism of "wishy-washy" riot reports. Many New Jersey commissioners reported being heavily influenced by the testimony of black shopkeepers whose stores were shot up by New Jersey policemen; shopkeepers, after all, were not likely to be malcontents.

Problems of potential fragmentation threaten commission unity at all stages. Initially, the problem is one of getting commissioners to think of themselves as *commissioners*, not as individual politicians. This is helped, as we saw, by creating a sense of urgency among commission members. In later stages, the problem becomes one of conflicts arising from the fact that commissioners must begin to take stands on matters of public policy.

Considerable conflict did develop in the work of recent commissions at the writing stages, but these conflicts did not erupt to the extent that minority reports were filed or that serious public displays of conflict emerged in the press. The Kerner Commission did not break up over the appropriateness of criticizing major social institutions or over the ultimate tone and emphasis of the report summary, although these were issues of considerable conflict within the commission. Neither did the New Jersey Commission break up over the issue of recommending governmental consolidation for Essex County, although the commission was significantly divided over this issue. Commissioners clearly preferred to accept compromise rather than diminish the total impact of the report because of open conflict or sniping at the document. Members of both commissions have refrained from dissociating themselves from aspects of the reports, and many have actively defended them, despite the controversies they have set off.

Although there were considerable disagreements on the various commissions, what is significant were the areas of agreement. So far as we can discover there was little dispute over the causes of riots. The commissioners agreed that the riots were not results of conspiracies nor mass behavior dominated by criminal or quasi-criminal elements. Rather, these men (and one woman) chosen for their community standing and their connection with established institutions—people, in other words, who were relatively conservative in the literal sense—attributed the riots to long-standing factors of discrimination, deprivation, and neglect. They condemned violence and criminal behavior, but they recognized that riots could be understood as products of central tendencies in American life.

There was also no question that extraordinary measures would have to be taken if the country wanted to deal seriously with the social bases of urban unrest. What debate there was concerned the kinds of measures that would have to be undertaken, and the kinds of criticism of American institutions appropriate for public discussion. But on the whole, these disagreements over the nature of the recommendations are less significant than the commissioners' agreement on the necessity for radical departures from existing public policy. When viewed in the light of the political and social legitimacy commanded by recent riot commissions, this is the significance of recent commission reports.

Apart from the danger of conflict among the commissioners, there is also the possibility of conflict between them and their staffs. In this regard, an important point of tension is the commissioners' need to feel reassured that staff members are free from bias and are presenting their work free from ideological distortion. Commissioners' suspicions apparently focus upon two possibilities. On the one hand, some staff members are feared to be overzealous for social reform, with a corresponding bias emerging in their work. This possibility is somewhat reinforced by the nature of lower-level staff recruitment, where an interest in social reform may be significant in the type of person willing to work for commissions on short notice. The field staff of the Kerner Commission, for example, was made up to a significant degree of young lawyers and returned Peace Corp volunteers. On the other hand, formally bipartisan commissions encounter suspicion that top staff members are really very partisan and have been selected to white-wash elected officials.

The dangers of failure to allay commission suspicions that the staff is overzealous or partisan are two: The commissioners may reject staff work and in the end develop conclusions independent of staff analysis; or, in anticipation of commission antagonism, staff work may be screened to provide commissioners with only "acceptable" material. In either case, the commission runs the risk of staff revolt, the erosion of organizational loyalty among the staff, and divisive public debate inspired by discontented staff.

The Kerner Commission was confronted with all these difficulties. The issue of staff political partisanship arose because some staff members were considered to have developed significant personal stakes in an "Administration outcome" for the final report, and the selection of David Ginsburg as the commission's Executive Director did little to allay concern that the Executive Director would be fronting for the President. Ginsburg is a partner in one of Washington's biggest law firms, has extensive government connections, and was known to participate in White House social circles.

Openness and responsiveness of staff procedures, and symbolic staff appointments, are two strategies available to commission staffs in allaying commissioner fears of partisanship. The staff directors of the Kerner Commission and the New Jersey Commission spent a great deal of energy consulting with commission members about ways in which they wanted to proceed. David Ginsburg and Victor Palmieri, the Deputy Executive Director of the Kerner Commission, were distinctly aware of the possible dangers of commissioners' suspicions. Sanford Jaffe, Executive Director of the New Jersey Commission, also indicated that gaining the confidence of potentially suspicious commissioners was one of his major concerns. In the Kerner Commission, the

deep involvement of John Lindsay's assistant, Jay Kriegel, in commission activities contributed to alleviating Republican concerns over a potential "whitewash." The same could be said of the high-level appointments of Richard Nathan and Stephen Kurtzman, both of whom had worked for Republican congressmen. Although staff directors of the Kerner Commission insist that these men were not appointed for partisan reasons, their presence was considered by other staff members to have helped reduce fears of partisanship.

Ideological splits between commissioners and staff are more difficult to control and can be quite damaging to ultimate commission influence. The prestige of the McCone Commission, for example, was severely undermined by critics who argued that the conservative cast of the commission substantially ignored the findings of its social science staff and consultants. The writings of Robert Blauner, Robert Fogelson, Paul Jacobs, and Harry Scoble reflect this. During the life of the Kerner Commission, as well, major difficulties emerged over staff suspicions that their analyses were being rejected on conservative grounds.

The most obvious and best publicized example of this commissioner/staff tension revolved around the rejection of a document entitled, "The Harvest of American Racism" drafted by social scientists employed by the Kerner

The Kerner Commission recommendation that police act swiftly to quell rioting induced some departments to stock supplies and weapons in cruisers, a practice criticized by some ghetto residents.



Commission. From all indications, it appears that this draft was rejected for inclusion in the final report not only because its conclusions were radical, but also because documentation for its underlying theory of riot causation was lacking. There was also a problem of communication within the commission. The social scientists were shocked to find the document that they considered only a draft treated as a final product. This was devastating because the social scientists assumed it was clear that adequate documentation had not yet been appended to the theoretical analysis. On the other hand, the chief staff directors of the commission were no less dismayed to receive what they considered an unsubstantiated theoretical piece. The staff directors argued that for commissioners to accept a provocative analysis required, at the very least, that it be grounded in a solid evidential base.

Very shortly after the "Harvest" draft was rejected, the commission changed its timetable to eliminate the interim report and released most of the staff, about 100 people. For some staff members, these three events confirmed their suspicions that the commission was exploiting them without respect for their skills and was leaning toward development of a conservative report that was at odds with the staff members' analysis. Leaks to the press followed, and at least one commission consultant held a press conference to discuss these matters publicly. Thus, for a period in the latter half of December the Kerner Commission was under considerable pressure in the press to deny charges that it was heading in a conservative direction.

Release of the final report allayed these fears. Previously critical staff members now acknowledge this and, indeed, that much of their analysis was woven into the final document. By taking their fears to the press, these staff members may have contributed to the outcome by putting pressure on the commission at a critical time.

3. *The Development of Political Legitimacy.* Initially, riot commissions are charged with generating objective analysis and impartial recommendations based upon this analysis. Initially, commissioners are recruited because of their status, their imputed objectivity and responsibility, and the extent to which they appear to be representative of a spectrum of diverse interests. We have suggested, however, that if commission efforts are to be successful, commissioners must give up some of their self and occupational role interests and develop orientations toward the commission as an organization with a life of its own. As this happens riot commissions adopt strategies to maximize the impact of the final report. We have already mentioned the example of staff directors formulating procedures to discourage minority reports. They recognize that a commission that appears to be substantially divided merely testifies to the complexity of the issue and is supportive of many viewpoints.

An insight into the efforts of riot commissions to develop legitimacy can be found in the tension between pursuit of

a "scientific" research strategy (or "scientific" legitimacy) and the political needs of commission work (or "political" legitimacy). Staffs must conduct inquiries so that the commission appears comprehensive in searching for explanations and program proposals, reliable in presentation of evidence, and cognizant of advanced work in various research and program areas. This image must be secured by the staff for the commission whether or not information so obtained is related to questions or answers of commission interest.

Staff directors must conserve scarce time. Yet the staff directors of the Kerner Commission traveled throughout the country to demonstrate (as well as assure) that they had conferred with the broadest base of social scientists and were searching widely for expertise.

Moreover, mechanisms had to be developed to deal with numerous inquiries from people offering their services (for a fee) and research findings. These inquiries and proposals had to be handled in such a way as to give the impression that offers of help were indeed welcome (when in many cases they were not). In this regard the Kerner Commission confronted a problem endemic to most government agencies. But unlike most government agencies, the commission lacked a routine for dealing with these inquiries, the staff to handle them, or the time to evaluate them.

An illustration of this is the case of a prominent research-oriented psychiatrist who submitted his name through his Senator, Edward Brooke, a Kerner Commission member, for one of the top research positions on the commission. He did not receive a reply until some months after the commission was thoroughly staffed. Then he received a formula response, thanking him for his inquiry concerning a "job" at the commission, but explaining that positions were no longer available. The man was insulted, and was subsequently uncooperative with the commission. The peccatory posture assumed by top staff members of the Kerner Commission of necessity, given the strain under which they operated, was resented in many quarters—both in academic circles and in staffs of subnational commissions. Especially irksome to the Kerner Commission was the fact that from the outset there was general recognition of the time trial the commission would experience; thus the commission was "marked" for exploitation by individuals convinced they could help, or convinced that the commission could help them.

Besides establishing their "scientific" legitimacy, commissions must give the impression that all political groups are given their day in court. Sometimes the motives for hearing certain witnesses are transparently political rather than educational or evidential. The Kerner Commission, for example, took the testimony of many of the black militants whose names appear on the witness list at a period when many chapters in the report already had been approved in relatively final form.

So far, we have been building an argument that the

internal political dynamics of riot commissions can be characterized as the gradual development of a *pressure group*. This is particularly curious because, in the first place, riot commissions are established by public officials as objective instrumentalities to provide authoritative answers to questions of concern (thus, they are *government organizations*); and, in the second place, because riot commissions are specifically designed for the representation of *diverse* interests when originally formed.

Nevertheless, this view of riot commissions as developing into pressure groups may help explain both their strengths and weaknesses. Insofar as a diverse group of implicitly responsible, high status individuals subscribe to one interpretation of civil disorders and subscribe to a single set of recommendations, riot commissions may claim a high degree of political legitimacy. This is their strength. But insofar as a riot commission must compete in the political arena without being able to rely upon the organizational status of individual commission members, riot commissions enter an ideological arena where they must compete with other groups in the political process. In that competition, the impact of commissions is predictably marginal. The executive who creates a riot commission assigns to it the function of authoritatively articulating goals for the alleviation of problems of civil disorders. But the goals become authoritative for the larger political system only insofar as they are accepted by other groups for conversion into public policy. In the absence of such acceptance, the recommendations remain only as political demands. They are purely recommendatory or advisory unless supportive relations can be established with interest groups and other key actors.

Riot Commission Strategy

In attempting to develop political coalitions and influence the political process, riot commissions adopt a variety of strategies to overcome their relatively powerless status. These strategies include: (1) maximizing the visibility and controlling the exposure of the reports; (2) competing for legitimacy; (3) affecting the political environment; and (4) assisting the implementation process.

1. *Maximizing Visibility.* Riot commissions are concerned with creating favorable images of their activities, and attempt to do so by giving maximum visibility to their reports. The tone adopted in the reports reflects this concern. Both the Kerner Commission and the New Jersey Commission elected to develop what appear to be hard-hitting documents. In the Kerner Commission Report, as everyone recalls, "white racism" was identified as the overriding primal cause of conditions leading to riots. This was sensational, assuring a maximum impact for the commission's labors. At the same time, however, the commission report contained almost no criticism of established institutions or programs. Criticism of national-level programs is largely lacking—despite the fact that the federal govern-

ment is the only locus for the kind of effort that is called for in the report—and criticism is minimized of trade unions, big-city mayors, and other groups who might be expected to do something about the alleged "racism."

The tone achieved by this report was not arrived at accidentally, according to a number of high-level staff members. The commission explicitly decided to produce a moral statement on the evils of racism and implicitly agreed not to specify the institutions perpetuating the condemned racism. Clearly the day-to-day interpersonal brand of racial hostility was not what the Kerner Commission had most in mind when it condemned white racism. The only way that white racism makes sense as a root cause of civil disorders is in terms of its location in and legacy for major American institutions.

The commission apparently avoided criticizing these institutions partly because to do so might destroy the commission's unity (those very institutions being represented on the Kerner Commission in the persons of business leader Thornton, Police Chief Jenkins, labor leader Abel), partly because to criticize these institutions would have involved the commission in nationwide debates with powerful organizations intent on defending themselves, and partly because the commission was dependent upon these institutions to put into effect their recommendations. Thus, criticism of past performances were apparently avoided in the hope that future positive commitments might be forthcoming.

When it comes to manipulating the terms in which commission reports will be received and evaluated, the powers of commissions are extremely limited. The phrase "white racism," for example, which appears but once in the summary of the report, captured the focus of the press to a greater extent than any other single finding reported by the Kerner Commission. From a rereading of the summary, however, it would appear that the commission had hoped that national attention would center on the conclusion that the country was "moving toward two societies, one black, one white—separate and unequal." Similarly, the New Jersey Commission felt obligated to address the issue of official corruption in Newark because of repeated testimony on that subject by commission witnesses. On release of the report, the press, especially in Newark, gave a great deal of attention to the corruption issue, although it had a relatively minor place in the report itself. New Jersey Commission members indicated in interviews that they regretted including the corruption issue at all, because it tended to draw attention away from more important findings of their report.

2. *Competing for Legitimacy.* In attempting to influence other political actors on behalf of their report, riot commissions, as we have seen, try to establish firmly their claims as the authoritative interpreters of civil disorders and as authoritative planners for preventing future civil disorder. These claims do not go uncontested. Other groups

have access to the same symbols and similar grounds of legitimacy.

Simply stated, one riot commission often begets another, or two or three. The competing riot commissions have less claim to objectivity or being "official," but they have greater claims to reliable constituencies and the group status that results. These constituencies are, for one reason or another, determined to undermine the monopoly of legitimacy asserted by the riot commissions and attempt to establish legitimacy of their own. They adopt the commission inquiry form in order to capitalize on the acceptability of this political instrument.

The political logic appears to be as follows: if it can be shown that opposite conclusions can emerge from the same kind of investigation of civil disorders, then it can be argued that the conclusion of the authoritative commission was the product of the biases of commissioners. This is all quite explicit, and antagonistic interest groups don't hesitate to use the tactic even when it is patently clear that the "competing commission" is undertaking a biased investigation. Take, for example, the remarks of John J. Heffernan, President of the New Jersey State Patrolmen's Benevolent Association, when he "predicted" the findings of his association's investigation: "We are appalled at the findings of the [New Jersey] riot commission, especially in the interests of law and order. The PBA riot study and investigation committee is certainly going to come up with different findings."

After President Johnson issued an executive order creating the Kerner Commission, the United States Senate authorized the Permanent Subcommittee on Investigations of the Committee on Government Operations (McClellan Committee) "to make a full and complete study and investigation of riots . . . and measures necessary for their immediate and long-range prevention." The McClellan Committee's investigations have attempted to undermine the findings of the Kerner Commission by centering on Office of Economic Opportunity personnel involved in riots, hearing witnesses who allege that there is a conspiracy behind the riots, and generally giving a hostile reception to other witnesses not sympathetic with the committee's more conservative views. That President Johnson himself tried to undermine his own Kerner Commission is perhaps not surprising. The fact that he included in his charge to the (Milton) Eisenhower Commission on the Causes and Prevention of Violence the duty to investigate civil disorders is consistent with his other acts of unsympathetic reception of the Kerner Report. The New Jersey Commission's "Report For Action," released in February of 1968, shortly thereafter triggered the New Jersey State Patrolmen's Benevolent Association's Riot Study Commission report entitled "A Challenge To Conscience." In Detroit, Jerome P. Cavanagh's Mayor's Development Team represented a public response to local civil disorders with most commission members drawn from city agencies and the

Mayor's Office. But the Development Team was soon challenged by the New Detroit Committee, a private counter-thrust to the public commission. In California, the conservative McCone Commission was countered, both as to its findings and its recommendations, by the California Advisory Committee to the United States Commission on Civil Rights.

These competing commissions employ many of the same strategies and tactics as official riot commissions in manipulating the symbols of legitimacy. They follow closely the procedures of the initial commissions, including assembling a staff, holding formal hearings, conducting investigations, hearing witnesses, collecting documents, and offering recommendations. In fact, they are often the same witnesses, the same documents, and similar investigations. But their findings and recommendations vary considerably from the conclusions of initial commissions. Riot commissions, whether initial or competing, thus represent ad hoc devices by which on-going antagonistic interests compete for political legitimacy.

5. *Affecting the Political Environment.* In content, commission reports can be analyzed as attempts to reassure various publics in an otherwise unsettled environment. These reassurances may take the form of dispelling popular rumors and myths, or they may take the form of interpreting disturbing events in ways that can be absorbed within traditional American beliefs.

Efforts to reassure various publics begin as soon as commissions are formed. Early testimony plays an important part in giving the appearance that significant interests are being represented. J. Edgar Hoover's statement that he had no evidence of a conspiracy was the only testimony released officially during the first set of Kerner Commission hearings. Then, as if to counteract the information that the chief criminal investigative official of the United States had no evidence of a riot conspiracy, Governor Kerner informed reporters that Sargent Shriver, Director of the Office of Economic Opportunity, and Robert Weaver, Secretary of Housing and Urban Development, both had evidence of the presence of unidentified strangers in neighborhoods shortly before riots broke out. In those days of crisis, it would appear that members of the Kerner Commission wanted to reassure the public that questions of law and order would receive high priority. But, recognizing that Hoover's testimony appeared to preclude a search for confirmation of a theory widely held by some Americans, Governor Kerner "scrambled" the first message in order to protect the commission from early criticism.

Beyond dispelling myths such as those of conspiracy, riot commissions also reaffirm traditionally accepted views of society. They uniformly condemn violence and reaffirm the principles of law and order. They also commonly invoke that series of beliefs in the American creed pertaining to "equality" and "integration." Note the concluding sentence to the Kerner Commission's chapter on the history of Ne-



"... starting from the myth that riot commissions will provide authoritative answers... and that these answers will be widely accepted by politicians... riot commissions move through a process in which they become just another pressure group among many in the political process."

gro protest: "Negro protest for the most part, has been firmly rooted in the basic values of American society, seeking not their destruction, but their fulfillment." Which values? Which America? The statement may have empirical validity when interpreted, but here it has primarily inspirational value.

Of course riot commissions cannot reassure everyone. Reassuring the black community that commissions are sensitive to their feelings about white racism risks arousing the anger of previously uninvolved white groups who violently object to this explanation of riots. Obviously this was the case with the Kerner Commission's focus on "white racism." The New Jersey Commission tried to reassure Newark blacks that their grievances had been heard and would be articulated in the commission report. But this intention was undermined by the controversial nature of its program recommendations. Half of the New Jersey commissioners argued that political consolidation of Essex County was the only means of establishing a tax base that would give Newark the resources to solve its problems. But other commissioners argued against consolidation on the grounds that this would, in effect, preclude the election of a Negro

mayor precisely at the time when black people were becoming a majority of the city electorate. The first position risked disturbing white suburbanites upon whose support implementation of commission recommendations rested. The second argument risked reassuring Negroes of electoral success without providing the resources for basic services.

Riot commissions can attempt to quiet unreasonable fears, and reassure segments of the population that their needs are being addressed. But they cannot escape the difficulties that are incurred when controversial program recommendations are considered necessary. Recent commissions have explicitly chosen controversy at the expense of tranquility, but in doing so they have risked arousing political antagonists in the struggle over program recommendations.

These last remarks have been directed toward the more symbolic content of commission activity. More explicitly, riot commissions also attempt to affect the environment in which reports are received by treating gently the riot-related behavior of the executive, and by anticipating the needs of other political actors. Because of their relative powerlessness, commissions are dependent upon the favor-

able reception of their reports by the executive and other centers of power for maximum impact on the larger political system. However, these same political executives may have been involved in dealing with the control of the civil disorders and with programs related to the basic causes of the disorders. Thus the possibility is raised of commission's having to deal critically with the behavior of the political executives upon whom they are at least partially dependent for the implementation of their recommendations.

One drawback in exonerating the actions of the executive in civil disorders is that it gives credence to competing riot commissions in challenging the initial commission's claims to legitimacy. The New Jersey Commission strongly criticized the city administration in Newark. It left virtually untouched the matter of the Governor's actions at the time of the disorder, which were widely perceived by the black community in Newark to be inflammatory. During the Newark disturbances, Governor Hughes had told reporters that he would draw the line between the law and the jungle, and that riots were criminal and unrelated to civil-rights protests. Naturally enough, city officials in Newark lost no time in pointing out the discrepancy between the commission's statements about the Mayor of Newark and the Governor of New Jersey.

Riot commissions also attempt to further their recommendations by anticipating the needs of other important political actors. The Kerner Commission at one point adopted an end-of-the-year deadline for its interim report in part to obtain consideration in the formulation of the President's budget messages. Later it adopted the President's "message on the cities" as a framework for some of its programmatic recommendations, on the assumption that this would appear to coincide with his legislative goals and thus receive President Johnson's endorsement. The commission also consulted with cabinet officers before releasing its report. This strategy was based on the erroneous assumption that the President would use the commission's recommendations as a tool for furthering his own domestic program.

4. *Strategies for Implementation.* It is appropriate to conclude by mentioning a number of explicit strategies that riot commissions adopt to affect the reception of their product in the political arena. Riot commissions have recently advocated extending commission life in one form or another. The McCone Commission, for example, chose this means for advancing its recommendations. Near the end of the New Jersey Commission's deliberations, a request was made to Governor Richard Hughes to establish an ongoing review body including some members of the commission. A commissioner on Mayor Cavanagh's Development Team indicated that after the MDT issued its report, it was decided that an executive committee composed of the Mayor and five of the Mayor's top assistants should meet periodically to review what was happening to the MDT report.

The major drawback to this approach has been the lack

of power of the commissions once reports are issued. If riot commissions themselves have relatively little power, then a few of the commission members meeting periodically have even less power in the implementation process. Paul Jacobs suggests that what the periodic review undertaken by the McCone Commission actually accomplished was "defending itself [the commission] against some of the attacks which have been made upon it," and serving a public-relations function. Governor Hughes never granted the request of the New Jersey Commission to be reconstituted as an ongoing review body. In Detroit, the Mayor's Development Team was able to continue meeting periodically, and since many of the members of the MDT were public officials, it was able to participate in the implementation process. The MDT illustrates another aspect to the commission paradox. Commissions comprised of public officials may indeed have power in the implementation process, but they will lack the reputation for objectivity on which their persuasive powers rest.

Commissioners as individuals have attempted to exert pressure on public officials for implementation. In New Jersey, for example, Governor Hughes was threatened by individual members of the commission with public criticism if he continued his failure to respond. Shortly thereafter, the Governor and his staff received members of the commission and in an all-day session virtually wrote the Governor's special message to the legislature. This message, which called for expenditures of \$126.1 million on welfare, housing, education, law enforcement and urban problems, incorporated most of the commission's recommendations pertaining to New Jersey state government.

Functions of Commissions

Let us now try to evaluate the assumptions about riot commissions that were identified at the beginning of this essay.

1. Riot commissions are inherently incapable of providing sophisticated answers to the most important questions relating to riots. As government agencies limited in time, resources, and staff, riot commissions can contract for a limited number of empirical studies, investigate the validity of some rumors and myths surrounding civil disorders, and make relatively intelligent judgments in describing riot occurrences. They can also make sound program proposals, though they must do so before critical research has been completed. Recommendations of riot commissions may be said to be authoritative in the sense that they are comprised of high-status individuals and are accorded high status by the fact that they were created by the chief executive. But their recommendations are authoritative only insofar as the chief executive moves to implement them.

To the extent that the chief executive fails to move toward implementation—as in the case of President Johnson—or to the extent that recommendations go beyond the scope of executive powers—as in the case of the New

Jersey recommendations regarding Newark corruption—riot commissions must be seen not as authoritative but as competitive pressure groups in the political process. As such their influence is restricted to the legitimacy that they can capture and the political skills of individual commissioners who attempt to affect implementation.

2. It is rather fruitless to enter the murky area of the motivation of executives who create riot commissions. But our analysis does permit us to say a few things. Whether or not riot commissions are created in order to buy time, it is unquestionable that they do permit public officials to avoid immediate pressures for action and to postpone decisions for many months. Not only does the creation of a commission deflect pressures from the chief executive, but it also improves his bargaining position in a conservative direction by permitting him to claim that he is constrained by other political pressures over which he has little control. In the intense crisis following the riot, people seem to appeal instinctively to the chief executive for leadership. But the opportunity for decisive leadership, for making qualitatively different decisions about national priorities, based on opportunities available only in crisis situations, may not be what the politician desires. Postponement permits the chief executive to wrap himself in the usual constraints of office where politics as usual will continue to obtain. Riot commissions also contribute to cooling of tensions by reassuring various publics in a symbolic way that their needs are being met. This may take the form of calling witnesses representative of various positions, making hortatory appeals for justice and nonviolence, and so forth.

3. Is there something inherent in riot commissions that supports allegations that they are established to "whitewash" public officials? We may ask this apart from the question of whether some commissions are made up of members picked primarily for their unquestionable support of a chief executive. We think there is a built-in tendency toward the whitewash, to the extent that riot commissions minimize criticism of the public official to whom they must look for primary implementation of the report. Further, for the sake of commission solidarity and to avoid diminishing the report's impact by the airing of dissension, riot commissions minimize criticisms of institutions with which individual commissioners are intimately associated. To some extent, public officials attempt to influence commissions in favorable ways through appointments of political allies and "reliable" individuals to the commission. As we have suggested, however, this strategy will have limited returns because of the fears of partisan bias and the need to make the commission appear "representative."

4 and 5. Kenneth Clark's skepticism over the relevance of riot commissions is essentially justified. Riot commissions are not the authoritative program planners for a community torn by crisis and harvesting the fruits of past social injustice. Neither are they accorded the status that might accrue to them by virtue of the prestige of individual

commissioners or the expertise that they command. Rather, starting from the myth that riot commissions will provide authoritative answers to questions of social concern, and that these answers will be widely accepted by politicians who will move to implement them, riot commissions move through a process in which they become just another pressure group among many in the political process. And in influencing that process, their resources are insufficient to prevail in the competition.

The allegation that commissions have repeatedly come to the same analysis, recommended similar programs, and failed to produce action is true, but as criticism it is misdirected. It is not the commissions themselves to which one must look to understand the "Alice-in-Wonderland" atmosphere that Kenneth Clark perceived. One must look to the political process itself—that greater Wonderland in which riot commissions play only a marginal role.

FURTHER READING SUGGESTED BY THE AUTHORS:

From Race Riot To Sit-In: 1919 and the 1960's by Arthur T. Waskow (Garden City: Doubleday, 1966) is an historical and comparative study of race riots of the World War I period with particular emphasis on the Chicago Commission on Race Relations' investigation of the 1919 Chicago race riot.

Racial Crisis in America: Leadership in Conflict by Lewis Killian and Charles Grigg (Englewood Cliffs: Prentice-Hall, 1964) is a creative analysis of functions performed by racial conflict and of limitations inherent in Southern biracial committees.

Race Riot at East St. Louis: July 2, 1917 by Elliott M. Rudwick (Cleveland, Ohio: Meridian Books, 1966) is a thorough study of a major race riot including analysis of four separate investigations into riot causes and retortories.

This article is part of a larger study of the political impact of riots on American cities. The study has been supported by the Harvard-M.I.T. Joint Center for Urban Studies, by Trans-action, and by the Institute for Research on Poverty, University of Wisconsin.

Michael Lipsky, left, is assistant professor of political science at the University of Wisconsin and a staff associate of the Institute for Research on Poverty. His book *Process in City Politics* will be published by Rand McNally in September, 1969.

David J. Olson is assistant professor of political science at Indiana University. He has spent the past year as a research fellow at The Brookings Institution in Washington, D.C.



OTHER TITLES OF INTEREST:

BITTNER, Egon. The Police on Skid Row: A Study of Peace Keeping

WEINER, Norman L. and Charles V. WILLIE. Decisions by Juvenile Officers

BOWLES, Samuel. Getting Nowhere: Programmed Class Stagnation

WESTLE, Frank R. The American Dilemma: An Empirical Test

FERDINAND, Theodore N. The Criminal Patterns of Boston Since 1849

FOX, Geoffrey. Cuban Workers in Exile

GANS, Herbert J. The Positive Functions of Poverty

GIBBONS, Don C. Crime and Punishment: A Study in Social Attitudes

GREER, Edward. The Liberation of Gary, Indiana

HOROWITZ, David. Billion Dollar Brains: How Wealth Puts Knowledge in Its Pocket

KELLER, Suzanne. Does the Family Have a Future?

LIPSKY, Michael and David J. OLSON. Riot Commission Politics

MARX, Gary T. Religion: Opiate or Inspiration of Civil Rights Militancy Among Negroes?

MOSKOS, Charles C., Jr. Racial Integration in the Armed Forces

ROBBINS, Thomas and Dick ANTHONY. Getting Straight with Meher Baba: A Study of Mysticism, Drug Rehabilitation and Postadolescent Role Conflict

SCHUR, Edwin M. Reactions to Deviance: A Critical Assessment

SLOAN, Lee and Robert M. FRENCH. Black Rule in the Urban South?

SMITH, Thomas S. Conversationalization and Control: An Examination of Adolescent Crowds